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Attorneys for Plaintiff
OMNI PACIFIC COMPANY, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE BRANCH

OMNI PACIFIC COMPANY, INC.,

Plaintiff,

vs.

OMNIBRANDS, INC.,

Defendant.

Case No.: C 04-1445 JW HRL

**ORDER OF DISMISSAL PURSUANT TO
STIPULATION AND [PROPOSED]
ORDER STAYING ALL PROCEEDINGS
IN ACTION**

[Declarations of Rachel Matteo-Boehm and
Robert A. Weikert submitted together with
this stipulation pursuant to L.R. 6-2(a)]

1 Pursuant to Northern District L.R. 6-2 and 7-12, Plaintiff Omni Pacific Company, Inc.
2 ("Plaintiff") and Defendant OmniBrands, Inc. ("Defendant") stipulate as follows:

3 WHEREAS, on August 25, 2005, the parties entered into a confidential settlement
4 agreement in connection with the above-referenced matter; and

5 WHEREAS, that agreement provides that all proceedings in this lawsuit be stayed for
6 twelve (12) months to allow for the performance of certain conditions precedent to dismissal of
7 this action, after which time the settlement agreement provides for the filing of a stipulation for the
8 dismissal of this action with prejudice;

9 NOW, THEREFORE, the parties hereby submit this stipulation requesting an order
10 staying all proceedings in this case for a period of twelve (12) months. The parties further request
11 that this stay operate to suspend all pending case management deadlines in this case, together with
12 all deadlines imposed by the Federal Rules of Civil Procedure and/or any other applicable rules. In
13 addition, the parties request that the stay operate to suspend the August 31, 2005 deadline for
14 Defendant to produce documents and information pursuant to the Court's August 11, 2005 Order
15 on Plaintiff's Motion to Compel Discovery.

16 Dated: August 25, 2005

DLA PIPER RUDNICK GRAY CARY US LLP

17
18
19 By



Jeffrey M. Hamerling
Rachel E. Matteo-Boehm
Attorneys for Defendant
OMNIBRANDS, INC.

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22 Dated: August 25, 2005

THELEN REID & PRIEST LLP

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24
25 By



Robert A. Weikert
Attorneys for Plaintiff
OMNI PACIFIC COMPANY, INC.

PURSUANT TO STIPULATION, IT IS SO ORDERED. All proceedings in this action shall be stayed for a period of twelve (12) months from the date of this Order. The stay shall operate to suspend all case management deadlines and all deadlines imposed by the Federal Rules of Civil Procedure and/or any other applicable rules. In addition, the stay shall operate to suspend the August 31, 2005 deadline for Defendant to produce documents and information pursuant to the Court's August 11, 2005 Order on Plaintiff's Motion to Compel Discovery.

The case is ordered dismissed, but may be reopened by either party by filing a notice to that effect. The Clerk will close the file for now.

Dated: August 29, 2005

By /s/James Ware

Hon. James Ware
United States District Court Judge